



POLICE DEPARTMENT

August 16, 2011

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Daniel Kobylinski  
Tax Registry No. 920471  
48 Precinct  
Disciplinary Case No. 86510/10  
-----

The above named member of the Department appeared before me on May 17, 2011, charged with the following:

1. Said Police Officer Daniel Kobylinski, while on-duty and assigned as a Detective (Third Grade) with the Central Park Detective Squad, on or about August 21, 2009, upon discovering the loss of Department property, did fail to immediately report the facts of said loss to the Central Park Detective Squad desk officer, as required. (*As amended*)

P.G. 219-20, Page 1, Paragraph 2 – LOSS OR THEFT OF DEPARTMENT  
PROPERTY  
DEPARTMENT PROPERTY

2. Said Police Officer Daniel Kobylinski, while on-duty and assigned as a Detective (Third Grade) with the Central Park Detective Squad, on or about August 21, 2009, upon discovering the loss of Department property, did fail to immediately report the facts of said loss to the Internal Affairs Bureau, as required. (*As amended*)

Interim Order 9 Revision to P.G. 207-21 – ALLEGATIONS OF CORRUPTION  
AND SERIOUS MISCONDUCT AGAINST MEMBERS OF THE SERVICE.  
04/07/08.

3. Said Police Officer Daniel Kobylinski, while on-duty and assigned as a Detective (Third Grade) with the Central Park Detective Squad, on or about August 21, 2009, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer, then Detective, did fail and neglect to properly safeguard a Department vehicle, resulting in the loss of said vehicle for a period of time, during which time said vehicle contained a Department Parking

POLICE OFFICER DANIEL KOBYLINSKI

Placard, the Radio Motor Patrol car's Utilization Record Log, a Department Radio, a set of handcuffs and a removable red rotating emergency light. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT PROHIBITED CONDUCT  
GENERAL REGULATIONS

4. Said Police Officer Daniel Kobylinski, while on-duty and assigned as a Detective (Third Grade) with the Central Park Detective Squad, on or about and between August 16, 2009 and August 23, 2009, did fail to make entries in his memo book. (*As amended*)

P.G. 212-08, Page 1, Paragraph 1 – ACTIVITY LOGS  
COMMAND OPERATIONS

5. Said Police Officer Daniel Kobylinski, while assigned to the Patrol Borough Manhattan North and Patrol Borough Manhattan North Task Force as a Police Officer, the 25th Precinct Detective Squad as both a Police Officer and Detective (Third Grade), the Central Park Detective Squad as a Detective (Third Grade) and the Bronx Court Section as a Detective (Third Grade), on or about and between January 3, 2005 and July 13, 2010, did wrongfully and without just cause engage in off-duty employment without authority or permission to do so. (*As amended*)

P.G. 205-40, Page 1, Paragraph 1 OFF-DUTY EMPLOYMENT  
PERSONNEL MATTERS

6. Said Police Officer Daniel Kobylinski, while assigned to the Patrol Borough Manhattan North and Patrol Borough Manhattan North Task Force as a Police Officer, the 25th Precinct Detective Squad as both a Police Officer and Detective (Third Grade), the Central Park Detective Squad as a Detective (Third Grade) and the Bronx Court Section as a Detective (Third Grade), on or about and between January 12, 2005 and July 13, 2010, did fail to follow proper Department procedures with regard to obtaining a Watchguard License, to wit: said Police Officer did fail to: (a) prepare the required Affidavit at the Employee Management Division; (b) submit and maintain information pertaining to all clients or prospective clients of the Watchguard Service; and (c) submit to the Employee Management Division information pertaining to all employees. (*As amended*)

P.G. 205-40, Pages 9-10, Paragraphs B-C – OFF-DUTY EMPLOYMENT  
PERSONNEL MATTERS

7. Said Police Officer Daniel Kobylinski, while assigned as a Detective (Third Grade) with the Bronx Court Section, on or about and between April 16, 2010 and July 14, 2010, after having been directed by New York City Police Sergeant Karena Saladeen-Patel, Tax No. 911378, on or about April 16, 2010, and New York City Police Lieutenant Deborah Chiu, Tax No. 915448, on or about August 21, 2010, to refrain from all off-duty

POLICE OFFICER DANIEL KOBYLINSKI

employment until said Police Officer's, then Detective, off-duty employment application was approved, did fail and neglect to comply with said directive. (*As amended*)

P.G. 203-03, Page 1, Paragraph 2 – COMPLIANCE WITH ORDERS  
GENERAL REGULATIONS

8. Said Police Officer Daniel Kobylinski, while assigned as a Detective (Third Grade) with the Bronx Court Section, on or about and between July 13, 2010 and July 14, 2010, after having been directed by New York City Police Sergeant Karena Saladeen-Patel, Tax No. 911378, on or about April 16, 2010, and New York City Police Lieutenant Deborah Chiu, Tax No. 915448, on or about August 21, 2010, to refrain from all off-duty employment until said Police Officer's, then Detective, off-duty employment application was approved, continued to engage in such conduct, to wit: said Police Officer, then Detective, was subjected to a Targeted Integrity Test, during which time he discussed and provided business information and a pricing proposal to an undercover Member of the Service for security services to be provided for a social event. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT PROHIBITED CONDUCT  
GENERAL REGULATIONS

The Department was represented by Pamela Naples, Esq., Department Advocate's Office, and the Respondent was represented by Michael Martinez, Esq.

The Respondent, through his counsel, entered a plea of Guilty to the subject charges. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent, a 14-year member of the Department, is currently assigned to the 48 Precinct, a command to which he has been assigned since February 2011. After

POLICE OFFICER DANIEL KOBYLINSKI

graduating from the Police Academy, Respondent entered field training in the 81 Precinct. He was then transferred to the 34 Precinct where he served on patrol for several years. Prior to that, Respondent was assigned the Community Policing Unit where he served as a beat officer. As a beat officer Respondent walked an assigned post, kept relations with local businesses, and preformed felony arrests on intelligence. He also rode around on a bike in the local neighborhoods and was personally responsible for cleaning up several drug haven buildings.

Respondent then applied and was transferred to the Manhattan North Auto Larceny Unit where his responsibilities and duties were to ride around northern Manhattan at night to hot spots and investigate crimes related to car thefts, hidden drug compartments, and other car-related offenses. While there, Respondent was awarded seven or eight medals based on his high drug seizures, and identification of hidden compartments and violent offenders. Respondent subsequently applied and was transferred to the 25 Precinct Detective Squad where he was assigned in the Burglary, Robbery and Apprehension Module (BRAM). While at BRAM, Respondent investigated and closed approximately 1,000 open cases involving violent felons, burglary patterns, and robbery patterns. Respondent was then transferred to the Central Park Precinct Detective Squad (CPPDS) where he investigated crimes.

Respondent indicated that he took the following courses: a criminal investigation course, homicide course, domestic violence courses, trainings on auto crime, a six-year intensive Spanish course, drug-related identification courses, expert VIN identifier, among others.

POLICE OFFICER DANIEL KOBYLINSKI

Respondent held the rank of detective for approximately two-and-a-half years before he was demoted to police officer as a result of losing a Department vehicle while on duty. Since being demoted, Respondent has been working day tours in uniform. Respondent has at least 200 arrests in his career, while he assisted in about 500 arrests.

On August 21, 2009, Respondent was assigned to CPPDS where he was scheduled to work a 4:00 p.m. to 1:00 a.m. tour, then an 8:00 a.m. to 4:00 p.m. tour the following day. When Respondent works such a "turnaround" he sleeps at the precinct for a few hours since Respondent lives about 45 miles north of Central Park. On August 21, 2009, Respondent was working on several open cases. He was supposed to interview some witnesses of a past robbery. All the while, Respondent's partner was investigating another case.

At some point during that evening, Respondent took a meal at Lenny's, a delicatessen located on the Upper East Side. Respondent drove alone to Lenny's in an unmarked squad car. He parked this Department vehicle just off Second Avenue and 75<sup>th</sup> Street on the northwest corner of a construction zone. Large cones in the middle of the sidewalk and wooden plank barriers on the main entrances of a building suggested to Respondent that this area was a construction zone. After parking, Respondent placed his parking plaque in the vehicle's window. At this time, there was a red bubble light, a Department radio, handcuffs, and a Department parking plaque inside the squad car. Respondent was in Lenny's for approximately 20 to 30 minutes.

Respondent testified that to his knowledge the Patrol Guide does not require an officer to carry a bubble light or the Utilization Record Log with him when he leaves a Department vehicle. Respondent added that he has never been told by another member to

POLICE OFFICER DANIEL KOBYLINSKI

carry his bubble light, radio, handcuffs, or other like Department property with him when he takes a meal. To the best of Respondent's knowledge, none of these items were stolen from his squad car when it went missing.

When Respondent left Lenny's he first walked to where he had previously parked the squad car. When Respondent learned that this vehicle was missing, he "was struck with fear and dazzlement." He thought that somebody was playing a joke on him. After five minutes, however, Respondent realized that the car was in fact missing. He then thought that the squad car might have been moved by a tow company performing work at the construction site. Respondent said that he conducted investigations in the past where, after people inform the police that their vehicle is stolen, he would call the local tow companies who may have relocated the person's vehicle to another location. Respondent accordingly called the 19 Precinct from a pay phone since his cell phone had died to ask if the Internal Affairs Bureau (IAB) had towed his vehicle. Respondent also did a grid search, where he walked on foot over to First Avenue and then went one block north and then one block west consistently in a sort of zigzag pattern. Respondent performed this search approximately ten to 15 minutes after asking people at the construction site if they had seen a police vehicle nearby.

After Respondent's grid search failed to lead to the discovery of his squad car, Respondent walked back to CPPDS in order to do some computer inquiries, and more telephone checks in order to determine where his squad car could have gone. Specifically, Respondent called the Sheriff's Office, the Marshal's Office, and the Department of Finance. He also tried to contact the pier where Department vehicles are stored on the West Side. Respondent also called IAB who informed him that they had

POLICE OFFICER DANIEL KOBYLINSKI

not towed any Department vehicles in northern Manhattan or in the 19 Precinct that day. Respondent identified himself to IAB, but he did not inform IAB that he had lost his Department vehicle. Rather, he simply asked if any Department vehicles were towed in the blocks between First Avenue and Second Avenue in the lower 70s. Respondent could not recall if he had identified his vehicle, but he thought he might have said he was looking for a black detective squad car.

After his call to IAB, Respondent performed some more computer searches to determine whether his squad car was stolen or had been involved in an accident, or if any complaints were taken on the car. After several hours of exhausting all possibilities, Respondent went to sleep for about one or two hours before waking up the next morning and performing some more computer searches and phone searches, and calling local precincts, marshals, sheriffs, the Department of Finance, and the Department of Transportation. Respondent also called the police pound located on the West Side who told Respondent that he would have to come over to the pound. Once at the pound, Respondent showed them his ID, explained why he was there, gave them the squad car's number, signed the log, and met the pound's supervisor, who informed Respondent that he had to do a physical inspection of the pound area itself. Respondent did this, but did not find his squad car.

Respondent said that he did not immediately inform his supervisor about his missing Department vehicle when he noticed it missing because he knew that his supervisor was just going to tell him to call the pound, sheriff, IAB, and neighboring precincts. Respondent said that, in hindsight, if he had immediately reported his squad car missing, he probably would have been told to call the covering supervisor and



POLICE OFFICER DANIEL KOBYLINSKI

Detective Bureau Operations to explore all the possibilities. Respondent explained that calling the covering supervisor and then Detective Bureau Operations is standard procedure in the Detective Bureau when reporting a Detective Bureau vehicle missing. After that, the covering Detective Bureau supervisor and the subject member would investigate the member's missing Department vehicle.

Respondent testified that he had no reason to believe that he would not be allowed to help in the investigation of his missing vehicle. Sixteen hours after his squad car went missing the Respondent was interviewed by IAB.

The Respondent said that approximately 14 or 15 hours elapsed between the time he had realized his Department vehicle was missing and the time he reported it missing. After Respondent had informed his supervisor that his squad car was missing and described all the investigative steps he had already taken, Respondent's supervisor told him to go to the 19 Precinct and report the car stolen. Respondent said that it never occurred to him to also call IAB to report his vehicle missing.

Respondent was not present when his vehicle was ultimately discovered and so could not testify as to whether his vehicle was found locked or unlocked. He stated, however, that there was no indication that anything was taken from his vehicle, which was discovered next to a fire hydrant a couple of avenues east and four to six blocks south of where Respondent had initially parked it.

The Department Advocate revealed that according to the closing report from the investigating officer, Respondent's missing squad car was discovered parked adjacent to a fire hydrant located at 1428 First Avenue, still within the confines of the 19 Precinct. With the exception of the trunk, the vehicle was found locked and secured. There were



POLICE OFFICER DANIEL KOBYLINSKI

no signs of forced entry, including into the trunk lock. The trunk seemed not be disturbed even though it was slightly open.

With respect to failing to make proper entries in his memo book from the period between August 16, 2009, and August 23, 2009, Respondent explained that as a detective performing regular tours he is supposed to keep the time and date of when he's working as well as some brief statements as to what occurred that day. Respondent said that "when you are a detective, you make minimal entries." Respondent stated that he was about one week behind in doing his entries, a failure discovered after Respondent reported his squad car missing. Respondent said that he has since learned that he has to make daily memo book entries.

With respect to his outside employment, Respondent explained that in 2005 he and his wife opened a small security watchguard company with the goal of providing unarmed protection services for retail businesses in Orange County. Respondent testified that he and his wife never actually acted as security guards, but rather hired other people as security guards. These security guards are called "square badges" and earn \$8 to \$9 an hour. Respondent and his wife did not do much business in 2005, 2006, and even most of 2007, but they tried to establish clientele.

Respondent began his business with one client in the end of 2005 or the beginning of 2006, which was run out of one of the spare rooms in his residence. Respondent never received Department approval for his off-duty employment. Respondent testified that he did not seek such approval because when he began his business it was not "intensive in terms of gaining new business." Only in a year or two later did his business "start[...] to slowly pick up." Respondent testified that in retrospect he should have notified the

POLICE OFFICER DANIEL KOBYLINSKI

Department and gone through the proper Patrol Guide notifications and paperwork filing. Respondent stated that at no time did he believe that his business would not be approved by the Department.

Respondent learned that the Department knew about his business and also knew that it had not given him permission during the course of an official Department interview. IAB investigators there instructed Respondent not to continue any kind of dealings with his business until his off-duty employment papers were approved. At some point later, IAB called Respondent's business's office line at his residence. Respondent had initially suspected it was a client inquiring about security guard services. He told the caller that his wife would send him/her a proposal and spoke very briefly about his business. Respondent later learned, however, that IAB was performing an integrity test. Respondent said he spoke with the caller in order "to sort of keep the business." In retrospect, however, Respondent stated that he should have told the caller that he could not talk to him and that he would have someone else call him back. Respondent said that this phone call was the only business call he answered since being informed by IAB to stop his outside employment until he received Department approval.

Respondent said that his business is currently "failing miserably." He added that his wife is considering closing it. At its peak, his security guard business had three or four clients. Other than having phone lines in his residence to answer business calls, Respondent had no office or employees.

Respondent said that his demotion from detective to police officer affected his pride and finances. He stated that "it's an embarrassment...I put a lot of hard work in achieving the detective gold shield, and I just feel that I kind of got the brunt end of the

POLICE OFFICER DANIEL KOBYLINSKI

stick where all that hard work is just kind of flushed down the toilet.” Respondent admitted that he was “careless, and if [he] could change things [he] would, but it just seems that the punishment doesn’t fit the crime, so to speak.”

Respondent said that in mitigating the Charges and Specifications he hopes to avoid the imposition of a one year Dismissal Probation because he does not want to assume the risk of losing his job since he has three children and a wife to support.

Prior to the current case against him, Respondent has never been disciplined by the Department.

On cross-examination, Respondent admitted that he is familiar with the process for filing a complaint report for lost property. When Respondent entered Lenny’s, he did not have a direct line of sight of his squad car. When he finished eating and returned to the spot where he had parked his Department vehicle, to the best of Respondent’s knowledge there were no other vehicles missing.

When Respondent called the 19 Precinct to see if any vehicle has been relocated in northern Manhattan he did not identify himself as a member of the service or indicate why he was inquiring about that. Respondent believed that once the 19 Precinct transferred him to the telephone switchboard operator he may have asked about towings of Department vehicles in particular and also may have identified himself. When Respondent spoke to the telephone switchboard operator he did not identify himself and inform the operator that he had lost his Department vehicle. The 19 Precinct gave Respondent a listing of vehicles relocated in northern Manhattan.

Upon questioning from the Court, Respondent explained the Department’s vehicle relocation process. He said that the Department has tow trucks that relocate the vehicle a

POLICE OFFICER DANIEL KOBYLINSKI

couple of blocks away and provide the precinct with a piece of paper indicating that they relocated such a vehicle along with the vehicle's license plate number. These tow trucks are supposed to keep a log of all the vehicles that are relocated or towed for whatever reason. Such vehicles are relocated by a hook without anyone ever unlocking the vehicle. Respondent said that sometimes Department tow trucks or contractors fail to inform the precinct about a vehicle they have towed.

When he finished his phone call with the 19 Precinct, Respondent began his own investigation, which went through the night. An hour or two after the call to the 19 Precinct, Respondent returned to the detective squad. He did not inform the desk officer about his missing Department vehicle. Since no one was in the detective squad for several hours, Respondent did not speak to many people. In hindsight, Respondent admitted that it might have been a good time at that point to tell someone what had happened to his squad car.

Although Respondent's tour ended at 1:00 a.m. on August 22, 2009, he continued to personally search for his vehicle for about six more hours, a search for which he had received no permission. Respondent acknowledged that he tried to submit an overtime report for this search. Respondent believed, however, that his overtime slip was denied. Respondent then slept from 7:00 a.m. until 8:00 a.m.. When Respondent began his next scheduled tour of 8:00 a.m. to 4:00 p.m., he simply picked up his investigation from where he left it the night before, performing the same database searches and calling the same places to see if any new information might have come to light. At this point, Respondent still did not inform anyone of his missing squad car. These efforts failed to uncover where Respondent's squad car was.

POLICE OFFICER DANIEL KOBYLINSKI

Respondent subsequently went to the police pound on the West Side, where he showed an employee his ID, checked their logs, signed in the log, got a piece of paper, and physically inspected the pound. Respondent testified that under normal circumstances, the negative results from his phone calls suggesting that his vehicle had not been relocated means that Respondent should have reported his Department vehicle missing. Respondent stated, however, that the pound supervisor told him that, being that it was the weekend, his vehicle could be in the pound and accordingly advised Respondent to do a physical inspection of the pound. Respondent said that he was "really determined and assured" that his squad car "was going to show up." Respondent did not find his Department vehicle at the pound. As a result, at about 1:00 p.m. or 2:00 p.m., Respondent called the covering supervisor, Sergeant Gallagher, to inform him of his missing squad car and of the investigative steps he had thus far taken. Respondent also told Gallagher that he was on his way to the 19 Precinct to report his vehicle missing. Gallagher replied that he was going to meet Respondent there.

Respondent admitted that prior to IAB discovering that he was running a business, he had never applied for off-duty employment authorization for his business, Koby Security Solutions. Respondent also admitted that he knew that approval was required prior to operating his own business.

Respondent explained that Koby Security Solutions needs a watchguard license in order to operate. While Respondent notified his commanding officer that he was applying for a watchguard license, he did not properly follow all procedures to apply for such.

POLICE OFFICER DANIEL KOBYLINSKI

When Respondent established Koby Security Solutions in 2005 he acted as an officer of the business while his wife has been its president for almost three years. Respondent testified that he is “not working for the company [now], so [he] does not presently hold a position in the company.” Respondent revealed that during the IAB integrity phone call to his residence, he recalled briefly discussing pricing, staffing, and potential customer’s needs. He also confirmed that Lieutenant Chiu and Sergeant Patel had ordered him not perform off-duty employment until his off-duty employment application was approved.

PENALTY

In order to determine an appropriate penalty, the Respondent’s service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). The Respondent was appointed to the Department on December 8, 1997. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Respondent has pled Guilty to all the charges in this case and therefore found Guilty of those charges. Those charges include failing to immediately report the loss of his Department vehicle and the Department property inside the vehicle to the Department after discovering that the vehicle was not where he parked it and failing to safeguard his vehicle and the property that it contained. He is also Guilty of failing to make memo book entries, engaging in off-duty employment without permission to do so, failing to follow Department procedures with regard to obtaining a watchguard license and failing to obey directives to refrain from all off-duty employment.

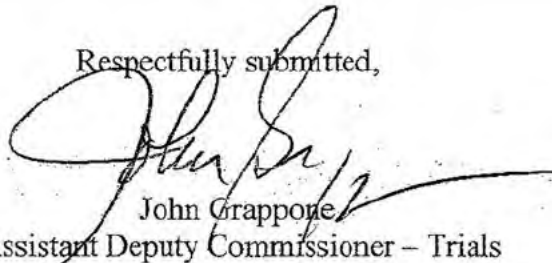
POLICE OFFICER DANIEL KOBYLINSKI

The Department has recommended a penalty of a forfeiture of 45 vacation days and dismissal probation. This Court, however, disagrees with the recommendation of dismissal probation. While the Respondent used very poor judgment in not reporting the Department vehicle missing for approximately 14 hours after he realized it was gone, and failed to handle his off-duty employment according to Department procedures, he nevertheless appears to have a record of being a productive member of the Department with no prior disciplinary problems. His productive and investigative nature became apparent when, after learning that the car was missing, he immediately conducted a professional and tireless search for the vehicle, using his grid search technique, calling the pound, the sheriff, IAB and neighboring precincts. These same investigative steps also would have been taken had he reported the car missing in a timely manner.

Another factor to consider for not including a penalty of probation is that, as a result of this case, the Respondent was demoted from Detective to Police Officer. In this instance, dismissal probation is not needed for the purpose of supervising Respondent nor is it needed to further impress on him the seriousness of his misconduct.

Based on the forgoing, it is recommended that the Respondent forfeit a penalty of 45 vacation days.

**APPROVED**  
JUL 18 2012  
  
RAYMOND W. KELLY  
POLICE COMMISSIONER

Respectfully submitted,  
  
John Grappone  
Assistant Deputy Commissioner – Trials



POLICE DEPARTMENT  
CITY OF NEW YORK

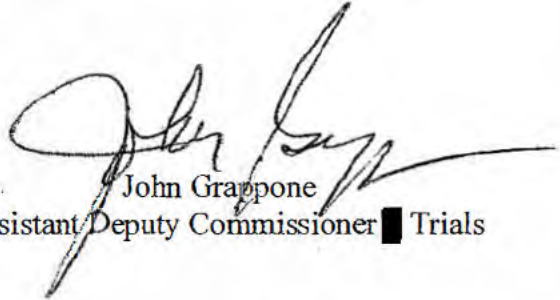
From: Assistant Deputy Commissioner Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER DANIEL KOBYLINSKI  
TAX REGISTRY NO. 920471  
DISCIPLINARY CASE NO. 86510/10

The Respondent received overall ratings of 4.0 "Highly Competent" on his last three annual performance evaluation.

The Respondent has been awarded 7 Excellent Police Duty Medals and 2 Meritorious Medals.

The Respondent has no [REDACTED]

For your consideration.

  
John Grappone  
Assistant Deputy Commissioner [REDACTED] Trials